

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 12/13/2016

Case Number 2:15-cr-00124

Case Style: USA vs. Chadwick J. Lusk

Type of hearing Plea Hearing

Before the honorable: 2515-Johnston

Court Reporter Ayme Cochran

Courtroom Deputy Staci Wilson

Attorney(s) for the Plaintiff or Government Meredith Thomas

Attorney(s) for the Defendant(s) Thomas Smith

Law Clerk Jason S. Bailey

Probation Officer Michele Jones

Trial Time

Non-Trial Time

Plea Hearing

Court Time

1:38 to 2:21

Total Court Time: 0 Hours 43 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled Start 1:30 p.m.

Actual Start 1:38 p.m.

Defendant present in person and by counsel.

Defendant placed under oath.

Court finds Defendant competent to go forward.

Court defers acceptance of plea agreement but orders original plea agreement filed.

Defendant waives reading of Information.

Court reads statute with which Defendant is charged.

Defendant advised of elements of offense which Government would have to prove at trial.

Defendant advised of the penalties which may apply based upon the plea.

Defendant advised of right to be indicted.

Defendant executes waiver of indictment; same witnessed by counsel.

Court accepts waiver of indictment.

Defendant advised of right to plead not guilty, to remain silent, and to stand trial.

Court asks Government to provide factual basis for the plea.

Government relies upon the Stipulation of Facts for its factual basis.

Court calls upon Defendant to enter a plea.

Defendant pleads guilty to Count One of the Information, and executes written guilty plea form.

Court finds Defendant is competent and capable of entering an informed plea.

Court finds Defendant's plea to be voluntary.

Court finds that Defendant understands the consequences of the plea.

Court finds that Defendant understands the rights being given up.

Court defers finding sufficient factual basis for Defendant's plea at this time.

Court accepts plea.

Court defers adjudging Defendant guilty until the time of sentencing.

Defendant released pending sentencing.

Sentencing set for February 8, 2017, at 2:00 p.m.

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Court recessed at 2:21 p.m.